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FEDERAL ELECTION  
COMMISSION

2011 SEP 21 AM 11: 57

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 6346  
Cornerstone Action, Friends of Kelly )  
Ayotte and Theodore V. Koch, in his )  
official capacity as treasurer )

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on September 15, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed on a vote of 3-3 to:

- a. Find reason to believe that Cornerstone Action violated 2 U.S.C. § 434(g)(2).
- b. Authorize the use of compulsory process as to all Respondents and witnesses in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.
- c. Approve the section of the Factual and Legal Analyses as recommended in the First General Counsel's Report dated June 21, 2011, that supports the reason to believe finding.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

2. Decided by a vote of 6-0 to:

- a. Find no reason to believe that Cornerstone Action violated 2 U.S.C. §§ 441a(a) and 441b.
- b. Find no reason to believe that Friends of Kelly Ayotte and Theodore V. Koch, in his official capacity as treasurer, violated §§ 441a(f) and 441b.

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- c. Approve those sections of the Factual and Legal Analyses, as recommended in the First General Counsel's Report dated June 21, 2011, which support findings 1 and 2.
- d. Approve the appropriate letters.
- e. Close the file.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 19, 2011  
Date

Shelley E. Gao  
Shelley E. Gao  
Deputy Secretary of the Commission

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